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**UNITED STATES DISTRICT COURT**  
**CENTRAL DISTRICT OF CALIFORNIA**

AXS GROUP LLC,

Plaintiff,

v.

EVENT TICKETS CENTER, INC.,  
TICKETNETWORK, INC., VIRTUAL  
BARCODE DISTRIBUTION LLC,  
ALTAN TANRIVERDI, and  
SECURE.TICKETS,

Defendants.

Case No. 2:24-CV-00377-SPG (Ex)

**DEFENDANT EVENT TICKETS  
CENTER, INC.'S ANSWER TO  
PLAINTIFF AXS GROUP LLC'S  
SECOND AMENDED COMPLAINT**

**JURY TRIAL DEMANDED**

District Judge: Sherilyn Peace Garnett

Magistrate Judge: Charles F. Eick

Complaint Served: December 9, 2024

Defendant Event Tickets Center, Inc. (“Event Tickets”) by and through its attorneys, files its Answer to Plaintiff AXS Group LLC’s (“AXS” or “Plaintiff”) Second Amended Complaint for alleged copyright infringement, violation of the Digital Millennium Copyright Act, trademark counterfeiting, trademark infringement, federal false designation, unfair competition, common law false designation, civil conspiracy, and breach of contract (“Complaint”).

## **ANSWER**

Event Tickets responds to the allegations contained in the numbered paragraphs of AXS’s Complaint below. Event Tickets denies all allegations and characterizations in AXS’s Complaint unless expressly admitted in the following paragraphs.

### **I. “INTRODUCTION & SUMMARY OF RELIEF REQUESTED”<sup>1</sup>**

1. Event Tickets denies that it has committed any alleged wrongdoing or caused any alleged harm described in the Complaint. Event Tickets otherwise lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 1, and therefore denies them.

2. Event Tickets lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 2, and therefore denies them.

3. Event Tickets lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 3, and therefore denies them.

4. Event Tickets lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 4, and therefore denies them.

5. Event Tickets lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 5, and therefore denies them.

6. Event Tickets lacks knowledge or information sufficient to form a

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<sup>1</sup> Event Tickets repeats the Complaint’s headings for convenience but does not thereby make any admission that they are accurate.

1 belief as to the truth of the allegations in Paragraph 6, and therefore denies them.

2 7. Event Tickets denies that it has committed any alleged wrongdoing  
3 described in the Complaint. Event Tickets otherwise lacks knowledge or  
4 information sufficient to form a belief as to the truth of the allegations in Paragraph  
5 7, and therefore denies them.

6 8. Event Tickets denies that it has committed any alleged wrongdoing  
7 described in the Complaint. Event Tickets otherwise lacks knowledge or  
8 information sufficient to form a belief as to the truth of the allegations in Paragraph  
9 8, and therefore denies them.

10 9. Event Tickets denies that it has committed any alleged wrongdoing  
11 described in the Complaint. Event Tickets otherwise lacks knowledge or  
12 information sufficient to form a belief as to the truth of the allegations in Paragraph  
13 9, and therefore denies them.

## 14 II. "PARTIES"

15 10. Event Tickets lacks knowledge or information sufficient to form a  
16 belief as to the truth of the allegations in Paragraph 10, and therefore denies them.

17 11. Event Tickets admits that it is a Florida corporation with an address at  
18 308 West University Avenue, Suite B, Gainesville, FL 32601. Event Tickets also  
19 admits it owns the domain eventticketscenter.com. Event Tickets denies all  
20 remaining allegations contained in Paragraph 11.

21 12. Event Tickets admits that it uses ticket listing services provided by  
22 Defendant TicketNetwork, Inc. ("TNI"). Event Tickets lacks knowledge or  
23 information sufficient to form a belief as to the truth of the allegations in Paragraph  
24 12, and therefore denies them.

25 13. Event Tickets lacks knowledge or information sufficient to form a  
26 belief as to the truth of the allegations in Paragraph 13, and therefore denies them.

27 14. Event Tickets lacks knowledge or information sufficient to form a  
28 belief as to the truth of the allegations in Paragraph 14, and therefore denies them.

1           15. Event Tickets lacks knowledge or information sufficient to form a  
2 belief as to the truth of the allegations in Paragraph 15, and therefore denies them.

3           16. Event Tickets lacks knowledge or information sufficient to form a  
4 belief as to the truth of the allegations in Paragraph 16, and therefore denies them.

5                           **III. "JURISDICTION AND VENUE"**

6           17. Event Tickets admits that this Court has subject matter jurisdiction over  
7 this action pursuant to 28 U.S.C. §§ 1331 and 1338(a). Event Tickets denies all  
8 remaining allegations contained in Paragraph 17.

9           18. Event Tickets admits this Court has supplemental jurisdiction over state  
10 claims. Event Tickets denies that it has committed any alleged wrongdoing  
11 described in the Complaint. Event Tickets denies all remaining allegations  
12 contained in Paragraph 18.

13           19. Event Tickets admits this Court has personal jurisdiction over Event  
14 Tickets. Event Tickets denies that it has committed any alleged wrongdoing  
15 described in the Complaint. Event Tickets denies all remaining allegations contained  
16 in Paragraph 19, and therefore denies them.

17           20. Event Tickets lacks knowledge or information sufficient to form a  
18 belief as to the truth of the allegations in Paragraph 20, and therefore denies them.

19           21. Event Tickets lacks knowledge or information sufficient to form a  
20 belief as to the truth of the allegations in Paragraph 21, and therefore denies them.

21           22. Event Tickets denies that venue is proper in this district because the  
22 Complaint appears based on Plaintiff's use of Event Ticket's website, which requires  
23 that any controversy or claim arising out of or relating to the use of the site shall be  
24 subject to venue in the state and federal courts of the State of Connecticut, Hartford  
25 County. Event Tickets denies that it has committed any alleged wrongdoing  
26 described in the Complaint. Event Tickets denies all remaining allegations  
27 contained in Paragraph 22.

1 **IV. “PLAINTIFF’S E-TICKETING BUSINESS OPERATION”**

2 **A. “The AXS Platform for Selling and Re-Selling Tickets”**

3 23. Event Tickets lacks knowledge or information sufficient to form a  
4 belief as to the truth of the allegations in Paragraph 23, and therefore denies them.

5 24. Event Tickets lacks knowledge or information sufficient to form a  
6 belief as to the truth of the allegations in Paragraph 24, and therefore denies them.

7 25. Event Tickets lacks knowledge or information sufficient to form a  
8 belief as to the truth of the allegations in Paragraph 25, and therefore denies them.

9 26. Event Tickets lacks knowledge or information sufficient to form a  
10 belief as to the truth of the allegations in Paragraph 26, and therefore denies them.

11 27. Event Tickets lacks knowledge or information sufficient to form a  
12 belief as to the truth of the allegations in Paragraph 27, and therefore denies them.

13 **B. “AXS Mobile ID Technology (Formerly Known as ‘Flash  
14 Seats’)”**

15 28. Event Tickets lacks knowledge or information sufficient to form a  
16 belief as to the truth of the allegations in Paragraph 28, and therefore denies them.

17 29. Event Tickets lacks knowledge or information sufficient to form a  
18 belief as to the truth of the allegations in Paragraph 29, and therefore denies them.

19 30. Event Tickets lacks knowledge or information sufficient to form a  
20 belief as to the truth of the allegations in Paragraph 30, and therefore denies them.

21 31. Event Tickets lacks knowledge or information sufficient to form a  
22 belief as to the truth of the allegations in Paragraph 31, and therefore denies them.

23 32. Event Tickets lacks knowledge or information sufficient to form a  
24 belief as to the truth of the allegations in Paragraph 32, and therefore denies them.

25 33. Event Tickets lacks knowledge or information sufficient to form a  
26 belief as to the truth of the allegations in Paragraph 33, and therefore denies them.

27 34. Event Tickets lacks knowledge or information sufficient to form a  
28 belief as to the truth of the allegations in Paragraph 34, and therefore denies them.

1 35. Event Tickets lacks knowledge or information sufficient to form a  
2 belief as to the truth of the allegations in Paragraph 35, and therefore denies them.

3 **V. “PLAINTIFF’S [ALLEGEDLY] VALID AND SUBSISTING**  
4 **INTELLECTUAL PROPERTY RIGHTS”**

5 **A. “The AXS Trademarks”**

6 36. Event Tickets lacks knowledge or information sufficient to form a  
7 belief as to the truth of the allegations in Paragraph 36, and therefore denies them.

8 37. Event Tickets lacks knowledge or information sufficient to form a  
9 belief as to the truth of the allegations in Paragraph 37, and therefore denies them.

10 38. Event Tickets lacks knowledge or information sufficient to form a  
11 belief as to the truth of the allegations in Paragraph 38, and therefore denies them.

12 39. Event Tickets lacks knowledge or information sufficient to form a  
13 belief as to the truth of the allegations in Paragraph 39, and therefore denies them.

14 40. Event Tickets lacks knowledge or information sufficient to form a  
15 belief as to the truth of the allegations in Paragraph 40, and therefore denies them.

16 41. Event Tickets lacks knowledge or information sufficient to form a  
17 belief as to the truth of the allegations in Paragraph 41, and therefore denies them.

18 42. Event Tickets lacks knowledge or information sufficient to form a  
19 belief as to the truth of the allegations in Paragraph 42, and therefore denies them.

20 43. Event Tickets lacks knowledge or information sufficient to form a  
21 belief as to the truth of the allegations in Paragraph 43, and therefore denies them.

22 **B. “The AXS Copyrights”**

23 44. Event Tickets lacks knowledge or information sufficient to form a  
24 belief as to the truth of the allegations in Paragraph 44, and therefore denies them.

25 45. Event Tickets lacks knowledge or information sufficient to form a  
26 belief as to the truth of the allegations in Paragraph 45, and therefore denies them.

27 46. Event Tickets lacks knowledge or information sufficient to form a  
28 belief as to the truth of the allegations in Paragraph 46, and therefore denies them.

1           47. Event Tickets lacks knowledge or information sufficient to form a  
2 belief as to the truth of the allegations in Paragraph 47, and therefore denies them.

3           48. Event Tickets lacks knowledge or information sufficient to form a  
4 belief as to the truth of the allegations in Paragraph 48, and therefore denies them.

5           **C. “Notice of Plaintiff’s Trademarks and Copyrights”**

6           49. Event Tickets lacks knowledge or information sufficient to form a  
7 belief as to the truth of the allegations in Paragraph 49, and therefore denies them.

8           50. Event Tickets lacks knowledge or information sufficient to form a  
9 belief as to the truth of the allegations in Paragraph 50, and therefore denies them.

10          51. Event Tickets lacks knowledge or information sufficient to form a  
11 belief as to the truth of the allegations in Paragraph 51, and therefore denies them.

12           **VI. “DEFENDANTS’ [ALLEGED] INFRINGING AND ILLICIT**  
13           **COUNTERFEITING OPERATIONS”**

14          52. Event Tickets lacks knowledge or information sufficient to form a  
15 belief as to the truth of the allegations in Paragraph 52, and therefore denies them.

16          53. Event Tickets denies all allegations contained in Paragraph 53 relating  
17 to Event Tickets and denies that it has committed any alleged wrongdoing described  
18 in the Complaint. Event Tickets lacks knowledge or information sufficient to form  
19 a belief as to the truth of the remaining allegations in this paragraph, and therefore  
20 denies them.

21           **A. “ETC [Allegedly] Delivers Counterfeit AXS Digital Tickets to**  
22           **Unsuspecting Consumers in Cooperation with VBD”**

23          54. Event Tickets denies that it retails or distributes tickets. Event Tickets  
24 admits it owns the domain eventticketscenter.com. Event Tickets otherwise lacks  
25 knowledge or information sufficient to form a belief as to the truth of the allegations  
26 in Paragraph 54, and therefore denies them.

27          55. Event Tickets denies that it retails or distributes tickets. Event Tickets  
28 otherwise lacks knowledge or information sufficient to form a belief as to the truth



1 of the allegations in Paragraph 55, and therefore denies them.

2 56. Event Tickets denies that it has committed any alleged wrongdoing  
3 described in the Complaint. Event Tickets denies that it retails or distributes tickets.  
4 Event Tickets otherwise lacks knowledge or information sufficient to form a belief  
5 as to the truth of the allegations in Paragraph 56, and therefore denies them.

6 57. Event Tickets lacks knowledge or information sufficient to form a  
7 belief as to the truth of the allegations in Paragraph 57, and therefore denies them.

8 58. Event Tickets lacks knowledge or information sufficient to form a  
9 belief as to the truth of the allegations in Paragraph 58, and therefore denies them.

10 59. Event Tickets lacks knowledge or information sufficient to form a  
11 belief as to the truth of the allegations in Paragraph 59, and therefore denies them.

12 60. Event Tickets lacks knowledge or information sufficient to form a  
13 belief as to the truth of the allegations in Paragraph 60, and therefore denies them.

14 61. Event Tickets lacks knowledge or information sufficient to form a  
15 belief as to the truth of the allegations in Paragraph 61, and therefore denies them.

16 62. Event Tickets lacks knowledge or information sufficient to form a  
17 belief as to the truth of the allegations in Paragraph 62 and therefore denies them.

18 63. Event Tickets denies the allegations in Paragraph 63 related to Event  
19 Tickets. Event Tickets otherwise lacks knowledge or information sufficient to form  
20 a belief as to the truth of the allegations in this paragraph, and therefore denies them.

21 64. Event Tickets denies the allegations in Paragraph 64 related to Event  
22 Tickets. Event Tickets otherwise lacks knowledge or information sufficient to form  
23 a belief as to the truth of the allegations in this paragraph, and therefore denies them.

24 65. Event Tickets denies the allegations in Paragraph 65 related to Event  
25 Tickets. Event Tickets otherwise lacks knowledge or information sufficient to form  
26 a belief as to the truth of the allegations in this paragraph, and therefore denies them.



**B. “TNI Markets and Delivers Counterfeit AXS Digital Tickets to Unsuspecting Consumers and Provides Software to Facilitate the Same”**

66. Event Tickets denies that it retails or distributes tickets. Event Tickets otherwise lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 66, and therefore denies them.

67. Event Tickets lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 67, and therefore denies them.

68. Event Tickets lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 68, and therefore denies them.

69. Event Tickets lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 69, and therefore denies them.

70. Event Tickets lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 70, and therefore denies them.

71. Event Tickets lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 71, and therefore denies them.

72. Event Tickets lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 72, and therefore denies them.

73. Event Tickets denies that it has committed any alleged wrongdoing described in the Complaint. Event Tickets denies that it retails or distributes tickets. Event Tickets lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 73, and therefore denies them.

74. Event Tickets lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 74, and therefore denies them.

75. Event Tickets lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 75, and therefore denies them.

76. Event Tickets lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 76, and therefore denies them.

1 77. Event Tickets lacks knowledge or information sufficient to form a  
2 belief as to the truth of the allegations in Paragraph 77, and therefore denies them.

3 78. Event Tickets lacks knowledge or information sufficient to form a  
4 belief as to the truth of the allegations in Paragraph 78, and therefore denies them.

5 79. Event Tickets lacks knowledge or information sufficient to form a  
6 belief as to the truth of the allegations in Paragraph 79, and therefore denies them.

7 80. Event Tickets lacks knowledge or information sufficient to form a  
8 belief as to the truth of the allegations in Paragraph 80, and therefore denies them.

9 **C. “ETC’s Independent Acts of Infringement and Unfair**  
10 **Competition”**

11 81. Event Tickets admits it owns the domain eventticketscenter.com.  
12 Event Tickets denies that it distributes tickets. Event Tickets otherwise lacks  
13 knowledge or information sufficient to form a belief as to the truth of the allegations  
14 in Paragraph 81, and therefore denies them.

15 82. Event Tickets denies that it distributes tickets. Event Tickets otherwise  
16 lacks knowledge or information sufficient to form a belief as to the truth of the  
17 allegations in Paragraph 82, and therefore denies them.

18 83. Event Tickets denies that it has committed any alleged wrongdoing  
19 described in the Complaint. Event Tickets denies that it distributes tickets. Event  
20 Tickets otherwise lacks knowledge or information sufficient to form a belief as to  
21 the truth of the allegations in Paragraph 83, and therefore denies them.

22 84. Event Tickets denies that it distributes tickets. Event Tickets otherwise  
23 lacks knowledge or information sufficient to form a belief as to the truth of the  
24 allegations in Paragraph 84, and therefore denies them.

25 85. Event Tickets denies that it has committed any alleged wrongdoing  
26 described in the Complaint. Event Tickets denies that it distributes tickets. Event  
27 Tickets otherwise lacks knowledge or information sufficient to form a belief as to  
28 the truth of the allegations in Paragraph 85, and therefore denies them.

1 86. Event Tickets lacks knowledge or information sufficient to form a  
2 belief as to the truth of the allegations in Paragraph 86, and therefore denies them.

3 87. Event Tickets denies that it has committed any alleged wrongdoing  
4 described in the Complaint. Event Tickets denies the allegations in Paragraph 87.

5 **D. “Defendant Tanriverdi Is Selling and Distributing**  
6 **Counterfeit AXS Tickets in this Judicial District”**

7 88. Event Tickets lacks knowledge or information sufficient to form a  
8 belief as to the truth of the allegations in Paragraph 88, and therefore denies them.

9 89. Event Tickets lacks knowledge or information sufficient to form a  
10 belief as to the truth of the allegations in Paragraph 89, and therefore denies them.

11 90. Event Tickets lacks knowledge or information sufficient to form a  
12 belief as to the truth of the allegations in Paragraph 90, and therefore denies them.

13 91. Event Tickets lacks knowledge or information sufficient to form a  
14 belief as to the truth of the allegations in Paragraph 91, and therefore denies them.

15 92. Event Tickets lacks knowledge or information sufficient to form a  
16 belief as to the truth of the allegations in Paragraph 92, and therefore denies them.

17 93. Event Tickets lacks knowledge or information sufficient to form a  
18 belief as to the truth of the allegations in Paragraph 93, and therefore denies them.

19 94. Event Tickets lacks knowledge or information sufficient to form a  
20 belief as to the truth of the allegations in Paragraph 94, and therefore denies them.

21 **E. “Secure.Tickets is Selling and Distributing Counterfeit AXS**  
22 **Tickets in this Judicial District”**

23 95. Event Tickets lacks knowledge or information sufficient to form a  
24 belief as to the truth of the allegations in Paragraph 95, and therefore denies them.

25 96. Event Tickets lacks knowledge or information sufficient to form a  
26 belief as to the truth of the allegations in Paragraph 96, and therefore denies them.

27 97. Event Tickets lacks knowledge or information sufficient to form a  
28 belief as to the truth of the allegations in Paragraph 97, and therefore denies them.

1 98. Event Tickets lacks knowledge or information sufficient to form a  
2 belief as to the truth of the allegations in Paragraph 98, and therefore denies them.

3 99. Event Tickets lacks knowledge or information sufficient to form a  
4 belief as to the truth of the allegations in Paragraph 99, and therefore denies them.

5 100. Event Tickets lacks knowledge or information sufficient to form a  
6 belief as to the truth of the allegations in Paragraph 100, and therefore denies them.

7 **VII. "CAUSES OF ACTION"**

8 **"First Cause of Action (All Defendants)"**

9 **[Alleged] Copyright Infringement Under 17 U.S.C. § 101, et. seq."**

10 101. In response to Paragraph 101, Event Tickets incorporates by reference  
11 its responses to the preceding paragraphs of the Complaint as though fully restated  
12 herein.

13 102. Event Tickets lacks knowledge or information sufficient to form a  
14 belief as to the truth of the allegations in Paragraph 102, and therefore denies them.

15 103. Event Tickets lacks knowledge or information sufficient to form a  
16 belief as to the truth of the allegations in Paragraph 103, and therefore denies them.

17 104. Event Tickets lacks knowledge or information sufficient to form a  
18 belief as to the truth of the allegations in Paragraph 104, and therefore denies them.

19 105. Event Tickets lacks knowledge or information sufficient to form a  
20 belief as to the truth of the allegations in Paragraph 105, and therefore denies them.

21 106. Event Tickets denies the allegations in Paragraph 106 related to Event  
22 Tickets and lacks knowledge or information sufficient to form a belief as to the truth  
23 of the allegations against other Defendants and therefore denies them.

24 107. Event Tickets denies the allegations in Paragraph 107 related to Event  
25 Tickets and lacks knowledge or information sufficient to form a belief as to the truth  
26 of the allegations against other Defendants and therefore denies them.

27 108. Event Tickets denies the allegations in Paragraph 108 related to Event  
28 Tickets and lacks knowledge or information sufficient to form a belief as to the truth

1 of the allegations against other Defendants and therefore denies them.

2 109. Event Tickets denies the allegations in Paragraph 109 related to Event  
3 Tickets and lacks knowledge or information sufficient to form a belief as to the truth  
4 of the allegations against other Defendants and therefore denies them.

5 110. Event Tickets denies the allegations in Paragraph 110 related to Event  
6 Tickets and lacks knowledge or information sufficient to form a belief as to the truth  
7 of the allegations against other Defendants and therefore denies them.

8 111. Event Tickets denies the allegations in Paragraph 111 related to Event  
9 Tickets and lacks knowledge or information sufficient to form a belief as to the truth  
10 of the allegations against other Defendants and therefore denies them.

11 112. Event Tickets denies the allegations in Paragraph 112 related to Event  
12 Tickets and lacks knowledge or information sufficient to form a belief as to the truth  
13 of the allegations against other Defendants and therefore denies them.

14 113. Event Tickets denies the allegations in Paragraph 113 related to Event  
15 Tickets and lacks knowledge or information sufficient to form a belief as to the truth  
16 of the allegations against other Defendants and therefore denies them.

17 114. Event Tickets denies the allegations in Paragraph 114 related to Event  
18 Tickets and lacks knowledge or information sufficient to form a belief as to the truth  
19 of the allegations against other Defendants and therefore denies them.

20 115. Event Tickets denies the allegations in Paragraph 115 related to Event  
21 Tickets and lacks knowledge or information sufficient to form a belief as to the truth  
22 of the allegations against other Defendants and therefore denies them.

23 116. Event Tickets denies the allegations in Paragraph 116 related to Event  
24 Tickets and lacks knowledge or information sufficient to form a belief as to the truth  
25 of the allegations against other Defendants and therefore denies them.

**“Second Cause of Action (All Defendants)”**

**[Alleged] Violation of Digital Millennium Copyright Act Under 17 U.S.C. § 1201”**

117. In response to Paragraph 117, Event Tickets incorporates by reference its responses to the proceeding paragraphs of the Complaint as though fully restated herein.

118. Event Tickets lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 118, and therefore denies them.

119. Event Tickets lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 119, and therefore denies them.

120. Event Tickets denies the allegations in Paragraph 120 related to Event Tickets and lacks knowledge or information sufficient to form a belief as to the truth of the allegations against other Defendants and therefore denies them.

121. Event Tickets denies the allegations in Paragraph 121 related to Event Tickets and lacks knowledge or information sufficient to form a belief as to the truth of the allegations against other Defendants and therefore denies them.

122. Event Tickets denies the allegations in Paragraph 122 related to Event Tickets and lacks knowledge or information sufficient to form a belief as to the truth of the allegations against other Defendants and therefore denies them.

123. Event Tickets denies the allegations in Paragraph 123 related to Event Tickets and lacks knowledge or information sufficient to form a belief as to the truth of the allegations against other Defendants and therefore denies them.

124. Event Tickets denies the allegations in Paragraph 124 related to Event Tickets and lacks knowledge or information sufficient to form a belief as to the truth of the allegations against other Defendants and therefore denies them.

**“Third Cause of Action (All Defendants)”**

**[Alleged] Trademark Counterfeiting Under 15 U.S.C. § 1114, et seq.”**

125. In response to Paragraph 125, Event Tickets incorporates by reference

1 its responses to the proceeding paragraphs of the Complaint as though fully restated  
2 herein.

3 126. Event Tickets lacks knowledge or information sufficient to form a  
4 belief as to the truth of the allegations in Paragraph 126, and therefore denies them.

5 127. Event Tickets denies the allegations in Paragraph 127 related to Event  
6 Tickets and lacks knowledge or information sufficient to form a belief as to the truth  
7 of the allegations against other Defendants and therefore denies them.

8 128. Event Tickets denies the allegations in Paragraph 128 related to Event  
9 Tickets and lacks knowledge or information sufficient to form a belief as to the truth  
10 of the allegations against other Defendants and therefore denies them.

11 129. Event Tickets denies the allegations in Paragraph 129 related to Event  
12 Tickets and lacks knowledge or information sufficient to form a belief as to the truth  
13 of the allegations against other Defendants and therefore denies them.

14 130. Event Tickets denies the allegations in Paragraph 130 related to Event  
15 Tickets and lacks knowledge or information sufficient to form a belief as to the truth  
16 of the allegations against other Defendants and therefore denies them.

17 131. Event Tickets denies the allegations in Paragraph 131 related to Event  
18 Tickets and lacks knowledge or information sufficient to form a belief as to the truth  
19 of the allegations against other Defendants and therefore denies them.

20 **“Fourth Cause of Action (All Defendants)”**

21 **[Alleged] Trademark Infringement Under 15 U.S.C. § 1114, et seq.”**

22 132. In response to Paragraph 132, Event Tickets incorporates by reference  
23 its responses to the proceeding paragraphs of the Complaint as though fully restated  
24 herein.

25 133. Event Tickets lacks knowledge or information sufficient to form a  
26 belief as to the truth of the allegations in Paragraph 133, and therefore denies them.

27 134. Event Tickets denies the allegations in Paragraph 134 related to Event  
28 Tickets and lacks knowledge or information sufficient to form a belief as to the truth



1 of the allegations against other Defendants and therefore denies them.

2 135. Event Tickets denies the allegations in Paragraph 135 related to Event  
3 Tickets and lacks knowledge or information sufficient to form a belief as to the truth  
4 of the allegations against other Defendants and therefore denies them.

5 136. Event Tickets denies the allegations in Paragraph 136 related to Event  
6 Tickets and lacks knowledge or information sufficient to form a belief as to the truth  
7 of the allegations against other Defendants and therefore denies them.

8 137. Event Tickets denies the allegations in Paragraph 137 related to Event  
9 Tickets and lacks knowledge or information sufficient to form a belief as to the truth  
10 of the allegations against other Defendants and therefore denies them.

11 138. Event Tickets denies the allegations in Paragraph 138 related to Event  
12 Tickets and lacks knowledge or information sufficient to form a belief as to the truth  
13 of the allegations against other Defendants and therefore denies them.

14 **“Fifth Cause of Action (All Defendants)**

15 **[Alleged] Unfair Competition and False Designation of Origin Under 15 U.S.C.**

16 **§ 1125, et seq.”**

17 139. In response to Paragraph 139, Event Tickets incorporates by reference  
18 its responses to the proceeding paragraphs of the Complaint as though fully restated  
19 herein.

20 140. Event Tickets lacks knowledge or information sufficient to form a  
21 belief as to the truth of the allegations in Paragraph 140, and therefore denies them.

22 141. Event Tickets denies the allegations in Paragraph 141 related to Event  
23 Tickets and lacks knowledge or information sufficient to form a belief as to the truth  
24 of the allegations against other Defendants and therefore denies them.

25 142. Event Tickets denies the allegations in Paragraph 142 related to Event  
26 Tickets and lacks knowledge or information sufficient to form a belief as to the truth  
27 of the allegations against other Defendants and therefore denies them.

28 143. Event Tickets denies the allegations in Paragraph 143 related to Event

1 Tickets and lacks knowledge or information sufficient to form a belief as to the truth  
2 of the allegations against other Defendants and therefore denies them.

3 144. Event Tickets denies the allegations in Paragraph 144 related to Event  
4 Tickets and lacks knowledge or information sufficient to form a belief as to the truth  
5 of the allegations against other Defendants and therefore denies them.

6 145. Event Tickets denies the allegations in Paragraph 145 related to Event  
7 Tickets and lacks knowledge or information sufficient to form a belief as to the truth  
8 of the allegations against other Defendants and therefore denies them.

9 **“Sixth Cause of Action (All Defendants)”**

10 **[Alleged] State Statutory Unfair Competition Under Cal. Bus. & Prof. Code**

11 **§ 17200, et seq.”**

12 146. In response to Paragraph 146, Event Tickets incorporates by reference  
13 its responses to the proceeding paragraphs of the Complaint as though fully restated  
14 herein.

15 147. Event Tickets lacks knowledge or information sufficient to form a  
16 belief as to the truth of the allegations in Paragraph 147, and therefore denies them.

17 148. Event Tickets denies the allegations in Paragraph 148 related to Event  
18 Tickets and lacks knowledge or information sufficient to form a belief as to the truth  
19 of the allegations against other Defendants and therefore denies them.

20 149. Event Tickets denies the allegations in Paragraph 149 related to Event  
21 Tickets and lacks knowledge or information sufficient to form a belief as to the truth  
22 of the allegations against other Defendants and therefore denies them.

23 150. Event Tickets denies the allegations in Paragraph 150 related to Event  
24 Tickets and lacks knowledge or information sufficient to form a belief as to the truth  
25 of the allegations against other Defendants and therefore denies them.

26 151. Event Tickets denies the allegations in Paragraph 151 related to Event  
27 Tickets and lacks knowledge or information sufficient to form a belief as to the truth  
28 of the allegations against other Defendants and therefore denies them.

**“Seventh Cause of Action (All Defendants)**

**[Alleged] Common Law False Designation of Origin & Unfair Competition”**

152. In response to Paragraph 152, Event Tickets incorporates by reference its responses to the proceeding paragraphs of the Complaint as though fully restated herein.

153. Event Tickets lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 153, and therefore denies them.

154. Event Tickets denies the allegations in Paragraph 154 related to Event Tickets and lacks knowledge or information sufficient to form a belief as to the truth of the allegations against other Defendants and therefore denies them.

155. Event Tickets denies the allegations in Paragraph 155 related to Event Tickets and lacks knowledge or information sufficient to form a belief as to the truth of the allegations against other Defendants and therefore denies them.

156. Event Tickets denies the allegations in Paragraph 156 related to Event Tickets and lacks knowledge or information sufficient to form a belief as to the truth of the allegations against other Defendants and therefore denies them.

157. Event Tickets denies the allegations in Paragraph 157 related to Event Tickets and lacks knowledge or information sufficient to form a belief as to the truth of the allegations against other Defendants and therefore denies them.

158. Event Tickets denies the allegations in Paragraph 158 related to Event Tickets and lacks knowledge or information sufficient to form a belief as to the truth of the allegations against other Defendants and therefore denies them.

**“Eighth Cause of Action**

**(Against Defendants ETC, TNI and VBD)**

**[Alleged] Civil Conspiracy”**

159. In response to Paragraph 159, Event Tickets incorporates by reference its responses to the proceeding paragraphs of the Complaint as though fully restated herein.

1           160. Event Tickets denies the allegations in Paragraph 160 related to Event  
2 Tickets and lacks knowledge or information sufficient to form a belief as to the truth  
3 of the allegations against other Defendants and therefore denies them.

4           161. Event Tickets denies the allegations in Paragraph 161 related to Event  
5 Tickets and lacks knowledge or information sufficient to form a belief as to the truth  
6 of the allegations against other Defendants and therefore denies them.

7           162. Event Tickets denies that it retails or distributes tickets. Event Tickets  
8 denies the allegations in Paragraph 162 related to Event Tickets and lacks knowledge  
9 or information sufficient to form a belief as to the truth of the allegations against  
10 other Defendants and therefore denies them.

11           163. Event Tickets denies that it retails or distributes tickets. Event Tickets  
12 denies the allegations in Paragraph 163 related to Event Tickets and lacks knowledge  
13 or information sufficient to form a belief as to the truth of the allegations against  
14 other Defendants and therefore denies them.

15           164. Event Tickets denies the allegations in Paragraph 164 related to Event  
16 Tickets and lacks knowledge or information sufficient to form a belief as to the truth  
17 of the allegations against other Defendants and therefore denies them.

18           165. Event Tickets denies the allegations in Paragraph 165 related to Event  
19 Tickets and lacks knowledge or information sufficient to form a belief as to the truth  
20 of the allegations against other Defendants and therefore denies them.

21           166. Event Tickets denies the allegations in Paragraph 166 related to Event  
22 Tickets and lacks knowledge or information sufficient to form a belief as to the truth  
23 of the allegations against other Defendants and therefore denies them.

24                           **“Ninth Cause of Action (All Defendants)**

25                                   **[Alleged] Breach of Contract”**

26           167. In response to Paragraph 167, Event Tickets incorporates by reference  
27 its responses to the proceeding paragraphs of the Complaint as though fully restated  
28 herein.

1           168. Event Tickets denies the allegations in Paragraph 168 related to Event  
2 Tickets and lacks knowledge or information sufficient to form a belief as to the truth  
3 of the allegations against other Defendants and therefore denies them.

4           169. Event Tickets denies the allegations in Paragraph 169 related to Event  
5 Tickets and lacks knowledge or information sufficient to form a belief as to the truth  
6 of the allegations against other Defendants and therefore denies them.

7           170. Event Tickets denies the allegations in Paragraph 170 related to Event  
8 Tickets and lacks knowledge or information sufficient to form a belief as to the truth  
9 of the allegations against other Defendants and therefore denies them.

10          171. Event Tickets denies the allegations in Paragraph 171 related to Event  
11 Tickets and lacks knowledge or information sufficient to form a belief as to the truth  
12 of the allegations against other Defendants and therefore denies them.

13          172. Event Tickets denies the allegations in Paragraph 172 related to Event  
14 Tickets and lacks knowledge or information sufficient to form a belief as to the truth  
15 of the allegations against other Defendants and therefore denies them.

16          173. Event Tickets denies the allegations in Paragraph 173 related to Event  
17 Tickets and lacks knowledge or information sufficient to form a belief as to the truth  
18 of the allegations against other Defendants and therefore denies them.

19          174. Event Tickets denies the allegations in Paragraph 174 related to Event  
20 Tickets and lacks knowledge or information sufficient to form a belief as to the truth  
21 of the allegations against other Defendants and therefore denies them.

22          175. Event Tickets denies the allegations in Paragraph 175 related to Event  
23 Tickets and lacks knowledge or information sufficient to form a belief as to the truth  
24 of the allegations against other Defendants and therefore denies them.

25          176. Event Tickets denies the allegations in Paragraph 176 related to Event  
26 Tickets and lacks knowledge or information sufficient to form a belief as to the truth  
27 of the allegations against other Defendants and therefore denies them.

28          177. Event Tickets denies the allegations in Paragraph 177 related to Event

1 Tickets and lacks knowledge or information sufficient to form a belief as to the truth  
2 of the allegations against other Defendants and therefore denies them.

3 **VIII. "PRAYER FOR RELIEF"**

4 The section of the Complaint titled "Prayer for Relief" sets forth the statement  
5 of relief requested by AXS to which no response is required. Event Tickets denies  
6 that AXS is entitled to any relief sought in its Prayer for Relief or otherwise.

7 **VIII. AFFIRMATIVE AND ADDITIONAL DEFENSES**

8 178. In response to Paragraph 178, Event Tickets incorporates by reference  
9 the foregoing paragraphs in their entirety and asserts the following affirmative and  
10 additional defenses. By asserting these affirmative and additional defenses, Event  
11 Tickets does not admit that it bears the burden of proof on any issue and does not  
12 accept any burden it would not otherwise bear. Event Tickets reserves all affirmative  
13 defenses permitted under the Federal Rules of Civil Procedure, the Copyright and  
14 Trademark Laws of the United States, the state and federal laws cited in the  
15 Complaint, and/or at law or in equity that may now exist, or in the future be available,  
16 based on discovery and further investigation in this case, as well as the right to  
17 amend this Answer to include those defenses. Pursuant to Federal Rule of Civil  
18 Procedure 8(c), Event Tickets, without waiver, limitation, or prejudice, hereby  
19 asserts the following affirmative and additional defenses.

20 **FIRST AFFIRMATIVE OR ADDITIONAL DEFENSE**

21 **(Fair Use)**

22 Plaintiff is not entitled to any relief because the accused conduct is protected  
23 by the fair use doctrine. For example, in *Sega Enterprises Ltd. v. Accolade, Inc.*,  
24 977 F.2d 1510 (9<sup>th</sup> Cir. 1992), the Ninth Circuit held that the doctrine of fair use  
25 prevents the use of both copyright and trademark law to restrict access to the  
26 functional aspects of a product. Here, it appears Plaintiff is attempting to use  
27 copyright and trademark to restrict access to functional aspects of event tickets, such  
28 as the ability to enter an event. However, Event Tickets has no knowledge of or

1 involvement in the alleged infringements.

2 **SECOND AFFIRMATIVE OR ADDITIONAL DEFENSE**

3 **(No Injunctive Relief)**

4 Plaintiff is not entitled to injunctive relief because any alleged injury to  
5 Plaintiff—there is none—is neither immediate nor irreparable and Plaintiff has an  
6 adequate remedy at law.

7 **THIRD AFFIRMATIVE OR ADDITIONAL DEFENSE**

8 **(Equitable Defenses)**

9 Plaintiff's claims against Event Tickets are barred in whole or in part by one  
10 or more of the equitable doctrines of acquiescence, estoppel, waiver, and unclean  
11 hands.

12 **FOURTH AFFIRMATIVE OR ADDITIONAL DEFENSE**

13 **(Laches)**

14 Plaintiff's claims against Event Tickets are barred in whole or in part by the  
15 doctrine of laches.

16 **FIFTH AFFIRMATIVE OR ADDITIONAL DEFENSE**

17 **(No Trademark Infringement)**

18 Event Tickets has not infringed any valid, enforceable trademark of Plaintiff  
19 under the Lanham Act or state law.

20 **SIXTH AFFIRMATIVE OR ADDITIONAL DEFENSE**

21 **(No Trademark Counterfeiting)**

22 Event Tickets has not counterfeited any valid, enforceable trademark of  
23 Plaintiff under the Lanham Act or state law.

24 **SEVENTH AFFIRMATIVE OR ADDITIONAL DEFENSE**

25 **(No False Designation of Origin and Unfair Competition)**

26 Event Tickets has not engaged in any false designation of origin or unfair  
27 competition under the Lanham Act or state law.



**EIGHTH AFFIRMATIVE OR ADDITIONAL DEFENSE**

**(No Likelihood of Confusion)**

There is no likelihood of consumer confusion based on the allegations of the Complaint.

**NINTH AFFIRMATIVE OR ADDITIONAL DEFENSE**

**(No Willfulness or Malicious Conduct)**

None of Event Tickets alleged actions were willful or malicious.

**TENTH AFFIRMATIVE OR ADDITIONAL DEFENSE**

**(Narrow Scope of Protection)**

Given the generic nature of Plaintiff's mark, it is afforded only a narrow scope of protection, if any.

**ELEVENTH AFFIRMATIVE OR ADDITIONAL DEFENSE**

**(No Remedies or Damages)**

Event Tickets has not committed any acts resulting in any damages against Plaintiff or any remedies owed to Plaintiff.

**TWELFTH AFFIRMATIVE OR ADDITIONAL DEFENSE**

**(Failure to Mitigate)**

Plaintiff's claims are barred, in whole or in part, as a result of its failure to mitigate damages, if any.

**THIRTEENTH AFFIRMATIVE OR ADDITIONAL DEFENSE**

**(No Contract)**

Event Tickets has entered no contract with Plaintiff.

**FOURTEENTH AFFIRMATIVE OR ADDITIONAL DEFENSE**

**(Failure to State a Claim)**

Plaintiff has failed to state a claim against Event Tickets upon which relief can be granted.

**FIFTEENTH AFFIRMATIVE OR ADDITIONAL DEFENSE**

**(No Standing)**

Plaintiff lacks standing because it has failed to join necessary and indispensable parties, including without limitation the alleged infringers of its intellectual property.

**SIXTEENTH AFFIRMATIVE OR ADDITIONAL DEFENSE**

**(No Control)**

Plaintiff has failed to state a claim against Event Tickets because it has not, and cannot, allege that Event Tickets controls the alleged infringers of Plaintiff's intellectual property.

**SEVENTEENTH AFFIRMATIVE OR ADDITIONAL DEFENSE**

**(Section 230)**

Plaintiff has failed to state a claim against Event Tickets because "[n]o provider or user of an interactive computer service shall be treated as the publisher or speaker of any information provided by another information content provider." 47 U.S.C. § 230.

**EIGHTEENTH AFFIRMATIVE OR ADDITIONAL DEFENSE**

**(Unclean Hands)**

On information and belief, AXS knows that ETC is not involved in any of the misconduct alleged in the Complaint, that ETC has not entered any contract with AXS, and that ETC does not infringe any of AXS's trademarks or copyrights, yet AXS continues to pursue this litigation, apparently as a vehicle for identifying other parties. This is not a proper use of the federal courts.

**RESERVATION OF ALL AFFIRMATIVE AND ADDITIONAL DEFENSES**

Event Tickets hereby gives notice that it intends to rely upon any other matter constituting an avoidance or affirmative defense as set forth in Rule 8(c) of the Federal Rules of Civil Procedure, and that it reserves the right to seek leave to amend

1 this Answer to add to, amend, withdraw, or modify these defenses as its investigation  
2 continues and as discovery may require.

3  
4 **PRAYER FOR RELIEF**

5 Event Tickets prays as follows:

- 6 1. That Plaintiff takes nothing by way of its Complaint;  
7 2. A judgment dismissing Plaintiff's Complaint;  
8 3. That Event Tickets recover attorneys' fees, expert fees and investigator  
9 fees;  
10 4. That Event Tickets recover costs of suit herein; and  
11 5. That the Court award such other and further relief as it deems  
12 appropriate.

13  
14 **DEMAND FOR JURY TRIAL**

15 Pursuant to Fed. R. Civ. P. 38, Event Tickets demands a jury trial on all claims  
16 which are triable to a jury in this action.

1 Dated: January 30, 2025

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